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3 District of Arizona  
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12 Attorneys for Plaintiff

13  
14 UNITED STATES DISTRICT COURT  
15  
16 DISTRICT OF ARIZONA

17 United States of America,  
18 Plaintiff,  
19 v.  
20 Ruger 9mm Pistol, Model SR9C, Serial  
21 Number 332-02598, et al.,  
22  
23 Defendant *In Rem.*

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27  
28 **VERIFIED COMPLAINT FOR  
FORFEITURE *IN REM***

29 Plaintiff United States of America brings this Complaint and alleges as follows in  
30 accordance with Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules  
31 for Admiralty or Maritime Claims and Asset Forfeiture Actions (Supplemental Rules):

32 1. This is a civil action *in rem*, brought to enforce the provision of 18 U.S.C. §  
33 924(d) for the forfeiture of any firearm or ammunition involved in or used in any  
34 knowing violation of 18 U.S.C. § 922(g), Felon in Possession, or any violation of any  
35 other criminal law of the United States.

36 2. Venue and jurisdiction in Arizona are based upon 21 U.S.C. § 881(j), and  
37 28 U.S.C. §§ 1335(b) and 1395 as acts and omissions occurred in the District of Arizona

that give rise to this forfeiture action. This Court has jurisdiction. 28 U.S.C. §§ 1345 and 1355, and 18 U.S.C. § 981(h).

4. The defendant consists of:

1. Ruger 9mm caliber Ruger pistol, model SR9c, serial number 332-02598;
2. 27 Luger rounds (9mm) of full metal jacket ammunition;
3. Two 9mm magazines; and
4. Black nylon holster

(“defendant property”) seized on March 5, 2016. The defendant property is currently in the custody of the Federal Bureau of Investigation (“FBI”).

5. Between February 25, 2016, through March 4, 2016, Ahmed Mohamed Sheikh Osman (“Osman”) sent numerous text messages to an FBI agent in which Osman threatened to kill the agent, the agent’s family, and the agent’s co-workers.

6. On March 5, 2016, FBI agents obtained and executed an arrest warrant on Osman at the Redwood Motel, 470 North Arizona Avenue, Room #105, Chandler, Arizona, for his threats against a federal law enforcement officer.

7. After his arrest, Osman gave agents consent to search his motel room.

8. Agents found the defendant property in Osman's motel room.

9. On or before March 5, 2016, Osman knowingly possessed the defendant property, some or all of which had been previously shipped or transported in interstate and foreign commerce.

1       10. On or about September 17, 2013, in the Navajo County, Arizona, Superior  
2 Court, Osman was convicted of Attempted Transportation of Marijuana for Sale, CR  
3 2013-675, a crime punishable by a term of imprisonment exceeding one year.  
4

5       11. On March 30, 2018, Osman was indicted in the United States District  
6 Court, District of Arizona, CR16-00373-PHX-DLR, for Felon in Possession of a Firearm,  
7 18 U.S.C. §§ 18 U.S.C. 922(g)(1) and 924(a)(2) (the “Arizona Criminal Case”). The  
8 government sought to forfeit the defendant property in the Arizona Criminal Case.  
9

10       12. On April 13, 2018, Osman also was indicted in the United States District  
11 Court, Middle District of Tennessee, 3:16-CR-00079, for Threatening to Assault, Kidnap,  
12 or Murder a Federal Officer, 18 U.S.C. § 115(a)(1)(B), and for Interstate Communication,  
13 18 U.S.C. § 875(c).  
14

15       13. On August 25, 2018, the Arizona Criminal Case was transferred to the  
16 Middle District of Tennessee. In his consent to the transfer, Osman stated he wished to  
17 plead guilty to the offense charged in Arizona, felon in possession of a firearm.  
18

19       14. To date, the Arizona Criminal Case, including forfeiture of the defendant  
20 property, has not been resolved in the Middle District of Tennessee.  
21

22       15. Osman is a convicted felon and is prohibited from possessing firearms and  
23 ammunition.  
24

#### **FIRST CLAIM FOR RELIEF**

25       The defendant property is firearms or ammunition involved in or used in any  
26 knowing violation 18 U.S.C. § 922(g), Felon in Possession, or any violation of any other  
27 criminal law of the United States, and therefore is subject to forfeiture to the United States  
28 pursuant to 18 U.S.C. § 924(d)(1).  
29

## **NOTICE TO ANY POTENTIAL CLAIMANT**

If you assert an interest in the subject property and want to contest the forfeiture, you must file a verified claim that fulfills the requirements set forth in Supplemental Rule G. To avoid entry of default, a verified claim must be filed no later than thirty-five days from the date this Complaint has been sent in accordance with Supplemental Rule G(4)(b).

An answer or motion filed under Fed. R. Civ. P. 12 also must be filed no later than twenty-one days after filing the claim. The claim and answer must be filed in the United States District Court for the District of Arizona under the case number listed in the caption above and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this Complaint.

This notice provision does not provide you with any legal advice and is designed only to provide you with a general understanding of these proceedings. Any statements made in your claim or answer may be introduced as evidence against you in any related or future criminal case. You should consult an attorney to represent your interests in this matter, and note that a stay of proceedings may be available under 18 U.S.C. § 981(g)(2).

IF YOU ARE A VICTIM, and have sustained economic loss as a result of the crime(s) giving rise to this civil action, you may be entitled to petition for remission, mitigation, or restoration under Title 28, Code of Federal Regulations (“C.F.R.”), section 9.2. In lieu of filing a Claim with the Court, you may promptly submit a letter outlining your interest in the property to the undersigned Assistant United States Attorney. Plaintiff will notify you when it has received your letter, and further instructions may be provided upon conclusion of this action. The United States Attorney General shall have sole responsibility for disposing of petitions for remission or mitigation with respect to

1 property involved in a judicial forfeiture proceeding under 18 U.S.C. § 981(d) and 21  
2 U.S.C. § 881(d). If your status as a victim is contested, timely receipt of your letter will  
3 not shield you from entry of default for failing to file a proper claim with the Court.  
4

5 **IF YOU ARE A LIENHOLDER**, it is the policy of the United States Attorney's  
6 Office to honor all claims received from legitimate titled lienholders as defined under 28  
7 C.F.R. § 9.2. In lieu of filing a claim with the Court, you may send a letter to the  
8 undersigned Assistant United States Attorney outlining your interest in the property,  
9 including: (1) the amount presently owed on the lien; (2) a copy of the security agreement  
10 setting forth your interest; and, (3) whether the owner is in default. If your lien is  
11 sufficient, Plaintiff will notify you to verify receipt of your letter. In the event of  
12 forfeiture, and to the extent practicable, proceeds from the sale and disposition of the  
13 subject property will be remitted to you in satisfaction of the lien. As noted above, timely  
14 receipt of your letter will not shield you from entry of default for failing to file a proper  
15 claim with the Court.  
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17  
18 **PRAYER FOR RELIEF**  
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20 WHEREFORE, the United States of America prays that process issue for an arrest  
21 warrant *in rem* issue for the arrest of the defendant property; that due notice be given to all  
22 parties to appear and show cause why the forfeiture should not be decreed; that judgment  
23 be entered declaring the defendant property be forfeited to the United States of America  
24 for disposition according to law; and that the United States of America be granted such  
25 other and further relief as this Court deems just and proper, together with the costs and  
26 disbursements of this action.  
27

1 Respectfully submitted this 17th day of January, 2019.

2 ELIZABETH A. STRANGE  
3 First Assistant United States Attorney  
4 District of Arizona

5 *S/Mark J. Wenker*  
6 MARK J. WENKER  
7 Assistant United States Attorney

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## VERIFICATION

I, Andrew Smith, verify and declare under penalty of perjury that, I am a Special Agent with the Federal Bureau of Investigation, that I have read the foregoing Complaint for Forfeiture *In Rem* and know the contents, and that the matters contained in the Complaint are true to my own knowledge, except that those matters alleged upon information and belief and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case.

I verify and declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10<sup>th</sup> day of January, 2019.

Andrew Smith, Special Agent  
Federal Bureau of Investigation

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

**The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.**

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**Plaintiff** **United States of America**  
(s):

County of Residence: Maricopa

County Where Claim For Relief Arose: Maricopa

**Defendant** **Ruger 9mm Pistol, Model SR9C,**  
(s): **Serial Number 332-02598, et al.**

County of Residence: Maricopa

Plaintiff's Atty(s):

**Mark J. Wenker , AUSA  
40 N. Central Ave., Ste. 1800  
Phoenix, Arizona 85004  
602 514-7500**

Defendant's Atty(s):

**II. Basis of Jurisdiction:** **1. U.S. Government Plaintiff**

**III. Citizenship of Principal  
Parties (Diversity Cases Only)**

Plaintiff:- N/A

Defendant:- N/A

**IV. Origin :** **1. Original Proceeding**

**V. Nature of Suit:** **690 Other**

**VI.Cause of Action:** **Forfeiture en Rem**

**VII. Requested in Complaint**

Class Action: **No**

Dollar Demand:

Jury Demand: **No**

**VIII. This case IS RELATED to Case Number CR16-00373-PHX-DLR assigned to Judge Douglas L. Rayes.**

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**Signature: s/ Mark J. Wenker**

**Date: 01/17/19**

**If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.**

Revised: 01/2014